

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 16-59 and 64-87 are currently pending. Claims 16, 20, 24, 28, 32, 36, 40, 44, 48, 52, 56, 64, 68, 72, 76, 80, and 84 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 16, 20, 28, 32, 40, 44, 52, 56, 64, 68, 76, and 80 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claim 9 of U.S. Patent No. 6,697,566 (hereinafter “the ‘566 patent”) in view of U.S. Patent No. 6,026,232 to Yogeshwar et al. (hereinafter “the ‘232 patent”); Claims 24, 36, 48, 60, 72, and 84 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claim 9 of the ‘566 patent in view of the ‘232 patent; Claims 19, 23, 27, 31, 35, 39, 43, 47, 51, 55, 59, 63, 67, 71, 75, 79, 83, and 87 were rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Claim 9 of the ‘566 patent in view of U.S. Patent No. 6,438,083 to Kroon (hereinafter “the ‘083 patent”); Claims 16-18, 20-24, 26, 28-30, 32-34, 36-38, 40-42, 44-46, 48-50, 52-54, 56-58, 64-66, 68-70, 72-74, 76-78, 80-82, and 84-86 were rejected under 35 U.S.C. § 102(e) as being anticipated by the ‘232 patent; and Claims 19, 23, 27, 31, 35, 39, 43, 47, 51, 55, 59, 67, 71, 75, 79, 83, and 87 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘232 patent in view of the ‘083 patent.

Applicants respectfully submit that the double-patenting rejections of the claims are rendered moot by the Terminal Disclaimer filed herewith.

Amended Claim 16 is directed to a processing apparatus, comprising: (1) an encoder configured to encode video and/or audio signals to generate stream files; (2) a processor

configured to generate characteristic point information including a number of streams used by a program, identification information of each stream, attribute information of each stream corresponding to each identification information, and slot information of each stream, a format of the slot information corresponding to a stream type, the characteristic point information being included in **a program information file corresponding to each stream file** and being used to access characteristic points when reproducing the stream files; and (3) a recording unit configured to record the stream files and corresponding program information files containing the characteristic point information respectively in a recording medium. The changes to Claim 16 are supported by the originally filed specification and do not add new matter.¹

The '232 patent is directed to a method and system in which a section of a previously encoded digital bit stream is replaced with another section of encoded video. In particular, the '232 patent discloses that the method includes the step of (1) determining a start point and an end point at which the encoded video is to be modified; (2) obtaining unencoded video including video for insertion between the start point and the end points; (3) encoding the unencoded video by performing an encoding process; and (4) placing the encoded video generated by the encoding process into the encoded bit stream. As shown in Figure 40, the '232 patent discloses the structure 900 of a formatted disc, which includes a disc information file 908 and various data files 910 through 914. In particular, as shown in Figure 41, the disc information file 908 includes file management information 920 that includes file management table 924, disc structure information 926, and menu structure information 928. Further, the '232 patent discloses that the data file 910 includes data file management information 940, which in turn includes data file management table 944, sequence information table 946, cell

¹ See, e.g., Figures 24 and 62 and the discussion related thereto in the specification. See in particular the slot information shown in Figures 24 and 62.

information table 948, and data search map 950, as shown in Figure 42. Further, the '232 patent discloses that the data file management table 944, which is part of each data file 910, includes information related to every aspect of the data file 910, including a field that describes a number of audio streams in the file, the audio stream attributes including an audio coding mode, the audio coding mode including monoaural, stereo, and digital surround.²

However, Applicants respectfully submit that the '232 patent fails to disclose that the characteristic point information is included in a program information file corresponding to each stream file, wherein the encoder is configured to encode video and/or audio signals to generate stream files. The '232 patent does not disclose a separate program information file corresponding to each stream file, as required by Claim 16.

Further, Applicants respectfully submit that the '232 patent fails to disclose characteristic point information including a number of streams used by a program, identification information of each stream, attribute information of each stream corresponding to each identification information, and slot information of each stream, a format of the slot information corresponding to a stream type, as recited in amended Claim 16. The '232 patent discloses that, within the data file 910, a data file management table includes information about the data file 910. However, the '232 patent does not disclose that the characteristic point information includes at least four pieces of information: (1) a number of streams used by a program; (2) identification information of each stream; (3) attribute information of each stream corresponding to each identification information; and (4) slot information of each stream, a format of the slot information varies based on a type of a stream, as recited in amended Claim 16. Accordingly, Applicants respectfully submit that the rejection of Claim 16 is rendered moot by the present amendment to that claim.

² See '232 patent, column 58, lines 29-55.

Independent Claims 20, 24, 28, 32, 36, 40, 44, 48, 52, 56, 64, 68, 72, 76, 80, and 84 recite the slot information and the characteristic point information recited in Claim 16. Moreover, the above-noted independent claims have been amended in a manner analogous to the amendment to Claim 16. Accordingly, for the reasons stated above, Applicants respectfully submit that the rejections of the above-noted independent claims are rendered moot by the present amendment to those claims.

Regarding the rejection of dependent Claims 19, 23, 27, 31, 35, 59, 43, 47, 51, 55, 59, 67, 71, 75, 79, 83, and 87 under 35 U.S.C. § 103(a), Applicants respectfully submit that the '038 patent fails to remedy the deficiencies of the '232 patent, as discussed above. Accordingly, Applicants respectfully submit that the rejections of the above-noted claims are rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that Claims 16-59 and 64-87 patentably define over any proper combination of the '232 and '083 patents.

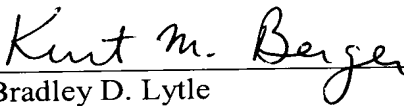
Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)


Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Kurt M. Berger, Ph.D.
Registration No. 51,461